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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2012-255*

13 **NANCI ELIZABETH INGRAM,**
14 **AKA NANCY ELIZABETH IMGRAM**
8195 Faldo Ave.
15 Hemet, CA 92545

A C C U S A T I O N

16 **Registered Nurse License No. 668184**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs.

24 2. On or about October 26, 2005, the Board of Registered Nursing issued Registered
25 Nurse License Number 668184 to Nanci Elizabeth Ingram (Respondent). Respondent is also
26 known as Nancy Elizabeth Imgram. The Registered Nurse License was in full force and effect at
27 all times relevant to the charges brought herein and will expire on April 30, 2013, unless
28 renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480;
- or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be

1 conclusive evidence of the fact that the conviction occurred, but only of that fact,
2 and the board may inquire into the circumstances surrounding the commission of
3 the crime in order to fix the degree of discipline or to determine if the conviction
is substantially related to the qualifications, functions, and duties of the licensee in
question.

4 As used in this section, "license" includes "certificate," "permit,"
5 "authority," and "registration."

6 9. Section 2761 of the Code states:

7 The board may take disciplinary action against a certified or licensed
8 nurse or deny an application for a certificate or license for any of the following:

9 (a) Unprofessional conduct, which includes, but is not limited to, the
following:

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11 (f) Conviction of a felony or of any offense substantially related to the
12 qualifications, functions, and duties of a registered nurse, in which event the
record of the conviction shall be conclusive evidence thereof.

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14 10. Section 2762 of the Code states:

15 In addition to other acts constituting unprofessional conduct within the
16 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
for a person licensed under this chapter to do any of the following:

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18 (b) Use any controlled substance as defined in Division 10 (commencing
19 with Section 11000) of the Health and Safety Code, or any dangerous drug or
dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
20 in a manner dangerous or injurious to himself or herself, any other person, or the
public or to the extent that such use impairs his or her ability to conduct with safety
21 to the public the practice authorized by his or her license.

22 (c) Be convicted of a criminal offense involving the prescription,
consumption, or self-administration of any of the substances described in
23 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
record pertaining to, the substances described in subdivision (a) of this section, in
24 which event the record of the conviction is conclusive evidence thereof.

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26 11. Section 2765 of the Code states:

27 A plea or verdict of guilty or a conviction following a plea of *nolo*
28 *contendere* made to a charge substantially related to the qualifications, functions
and duties of a registered nurse is deemed to be a conviction within the meaning

1 of this article. The board may order the license or certificate suspended or
2 revoked, or may decline to issue a license or certificate, when the time for appeal
3 has elapsed, or the judgment of conviction has been affirmed on appeal or when
4 an order granting probation is made suspending the imposition of sentence,
5 irrespective of a subsequent order under the provisions of Section 1203.4 of the
6 Penal Code allowing such person to withdraw his or her plea of guilty and to enter
7 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the
8 accusation, information or indictment.

6 REGULATORY PROVISIONS

7 12. California Code of Regulations, title 16, section 1444, states:

8 A conviction or act shall be considered to be substantially related to the
9 qualifications, functions or duties of a registered nurse if to a substantial degree it
10 evidences the present or potential unfitness of a registered nurse to practice in a
11 manner consistent with the public health, safety, or welfare. Such convictions or
12 acts shall include but not be limited to the following:

- 13 (a) Assaultive or abusive conduct including, but not limited to, those
14 violations listed in subdivision (d) of Penal Code Section 11160.
- 15 (b) Failure to comply with any mandatory reporting requirements.
- 16 (c) Theft, dishonesty, fraud, or deceit.
- 17 (d) Any conviction or act subject to an order of registration pursuant to
18 Section 290 of the Penal Code.

19 13. California Code of Regulations, title 16, section 1445 states:

20

21 (b) When considering the suspension or revocation of a license on the
22 grounds that a registered nurse has been convicted of a crime, the board, in
23 evaluating the rehabilitation of such person and his/her eligibility for a license
24 will consider the following criteria:

- 25 (1) Nature and severity of the act(s) or offense(s).
- 26 (2) Total criminal record.
- 27 (3) The time that has elapsed since commission of the act(s) or
28 offense(s).
- (4) Whether the licensee has complied with any terms of parole,
probation, restitution or any other sanctions lawfully imposed against the
licensee.
- (5) If applicable, evidence of expungement proceedings pursuant
to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

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1 **COST RECOVERY**

2 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(October 16, 2006 Criminal Conviction for DUI on March 30, 2006)**

8 15. Respondent has subjected her registered nurse license to disciplinary action under
9 Code sections 490 and 2761, subdivision (f), in that she was convicted of a crime that is
10 substantially related to the qualifications, functions, and duties of a registered nurse. The
11 circumstances are as follows:

12 a. On or about October 16, 2006, in a criminal proceeding entitled *The*
13 *People of the State of California v. Nanci Elizabeth Ingram*, in San Bernardino County Superior
14 Court San Bernardino District, case number TSB120333, Respondent was convicted on her plea
15 of guilty of violating Vehicle Code (VC) section 23152, subdivision (a), driving under the
16 influence of alcohol, a misdemeanor. Respondent was also charged with violation of VC section
17 23152, subdivision (b), driving with a blood alcohol concentration (BAC) of 0.08% or more, a
18 misdemeanor, which was dismissed as a result of a plea bargain.

19 b. As a result of the conviction, on or about October 16, 2006, Respondent
20 was sentenced to three years probation under the following terms and conditions: pay fines and
21 fees of \$1,548.00; attend a county approved alcohol first offender program pursuant to Assembly
22 Bill (AB) 541; and comply with the terms of standard DUI probation.

23 c. The facts that led to the conviction are that on or about March 30, 2006,
24 Respondent was contacted by a California Highway Patrol Officer after an enforcement stop in
25 San Bernardino, California. Respondent was issued a notice to appear for violating VC section
26 23152, subdivisions (a), driving under the influence of alcohol and (b), driving with a blood
27 alcohol concentration (BAC) of 0.08% or more, misdemeanors.

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1 while impaired with a significantly high blood alcohol concentration, and caused an injury to
2 another due to her inebriated condition.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct - Conviction of an Alcohol Related Criminal Offense)**

5 18. Respondent has subjected her registered nurse license to disciplinary action under
6 Code section 2762, subdivision (c), in that on or about October 16, 2006, as described in
7 paragraph 15, above, Respondent was convicted of a criminal offense involving the consumption
8 of alcohol.

9 **PRAYER**

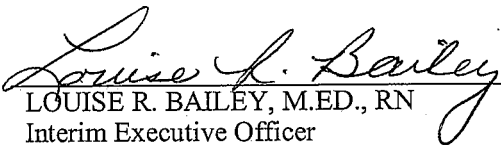
10 WHEREFORE, Complainant requests that a hearing be held on the matters herein
11 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 668184, issued to
13 Nanci Elizabeth Ingram, aka Nancy Elizabeth Imgram;

14 2. Ordering Nanci Elizabeth Ingram, aka Nancy Elizabeth Imgram, to pay the Board
15 of Registered Nursing the reasonable costs of the investigation and enforcement of this case,
16 pursuant to Business and Professions Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.
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21 DATED: June 28, 2012


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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